

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69557 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Ashok Sharma Son of Rajendra Sharma Resident of Lalachak, P.S.- Kako,
District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Abhimanyu Deo, Advocate
For the Opposite Party/s :	Mr.Anuj Kumar Shrivastava,APP
For the Informant :	Mr. Ramnath Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ramkrishna Nagar P.S. Case No. 169 of 2021 registered for the alleged offences under Sections 341, 342, 323, 308, 504 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons assaulted the parents of the informant and when the informant tried to intervene to save them, the petitioner and co-accused assaulted him with iron rod and pistol. In the



assault by the petitioner and other co-accused persons, the heads of the father and mother of the informant got fractured and they also received cut injuries. The informant also sustained injuries.

Learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. The petitioner has been falsely implicated in this case with ulterior motives. The informant is the son in-law of the petitioner and there has been some matrimonial dispute between the daughter of the informant and her husband and a case bearing Danapur P.S. Case No. 408 of 2016 under Sections 341, 323, 498 A, 313 and 34 of IPC and $\frac{3}{4}$ of D.P. Act has been registered against the informant and his family members by the daughter of the informant. When the petitioner and his family members came to meet the in-laws of the daughter of the informant they registered this false case under a conspiracy. There has been delay of two days in lodging the F.I.R. which is unexplained. Charge sheet has been submitted in this case and the petitioner is in custody since 14.06.2021.

Learned counsel appearing on behalf of the informant and learned APP for the state oppose the prayer for bail of the petitioner. learned APP further submits that the petitioner is a habitual offender and four cases are pending against him for



different offences. Learned counsel for the informant submits that a counter affidavit has been filed by the father of the informant wherein it has been mentioned that the parents of the informant received serious injuries during the occurrence and they were treated at two different hospitals. The nature of the injuries on the father of the informant is grievous.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIII, Patna in connection with Ramkrishna Nagar P.S. Case No. 169 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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